



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/11/2022
PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.18332 of 2022

1. Ayyanu
 2. Murukathal
 3. Annathai @ Annalakshmi
 4. Pandaram
 5. Velthai @ Velduraichi
 6. Muthulakshmi
 7. Mahesh
 8. Syed Abdul Khader
 9. Kalvath Beevi
 10. Sikkanthar
 11. Alima
- ... Petitioners/Accused No.2 to 12

Vs

The State rep.by
The Sub Inspector of Police,
Puliangudi Police Station,
Tenkasi District.
Crime No.352/2022.

... Respondent/Complainant

For Petitioner : M/s.Jothi Basu M,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.352/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 to A12, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9,

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10 and 11 of Prohibition of Child Marriage Act, 2006 and 6 r/w 5(1), 5(n), 5(j)(ii) of Protection of Children from Sexual Offences Act, 2012, in Crime No.352 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant, who is the Village Welfare Officer gave a complaint before the respondent police stating that the victim girl, who is aged about 17+ years, was married to one Ayankumar/A1 on 06.04.2022 and now, she is five months pregnant. Hence the complaint.

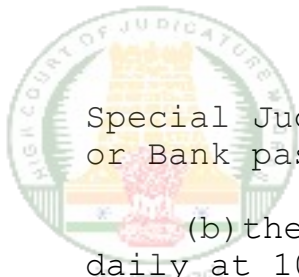
3.The learned counsel for the petitioners would submit that A2 and A3 are the parents of the victim girl; A4 is the mother and A5 is the maternal uncle of A1; A6 is the wife of A5; A7 is the elder sister of A1; A8 is the husband of A7; and A9 to A12 are respectable persons in their village. He would further submit that this is the petitioners' second anticipatory bail application and the earlier application was dismissed by this Court in Crl.O.P.(MD)Nos.15958 and 15981 of 2022, dated 16.09.2022. He would further submit that the petitioners arranged marriage between A1 and the victim girl and also participated in the marriage. Except the said allegation, the petitioners are not involved in any other offence. Hence, he prayed for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners arranged marriage between A1 and the victim girl and also participated in the marriage. He would further submit that the statement of the victim girl was recorded under Section 164 of Cr.P.C. and four witnesses have been examined and some of the official witnesses are yet to be examined and the investigation is going on. He would further submit that the petitioners' earlier application was dismissed by this Court in Crl.O.P.(MD)Nos.15958 and 15981 of 2022, dated 16.09.2022. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the facts that the statement of the victim girl was recorded under Section 164 of Cr.P.C. and four witnesses have already been examined, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court for POCSO Act Cases, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Special Judge/concerned Court concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the



Special Judge/concerned Court may obtain a copy of their Aadhar or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Special Judge/concerned Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Special Judge/concerned Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/11/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SPECIAL JUDGE
FOR POCSO ACT CASES, TIRUNELVELI.
- 2 THE SUB INSPECTOR OF POLICE,
PULIANGUDI POLICE STATION,
TENKASI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.G.M.LAW OFFICE, SR.No.12427

ORDER IN

CRL OP(MD) No.18332 of 2022

Date : 04/11/2022

SJI

SA/VR/SAR.4/14.11.2022/3P/5C

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